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Of Counsel  
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2004 DEC -3 PM 12:10

T.R.A. DOCKET ROOM

November 17, 2004

Honorable Pat Miller, Chairman  
Tennessee Regulatory Authority  
ATTN: Sharla Dillon, Dockets  
460 James Robertson Parkway  
Nashville, TN 37243-5015

Re: Petition of Citizens Telecommunications Company of Tennessee, LLC for  
Exemption Under T.C.A. §65-5-208(c); Docket No. 03-00211

Dear Chairman Miller:

Enclosed for filing in the above-referenced matter, please find a copy of the Ben Lomand Communications, Inc.'s Request for Discovery to Citizens Telecommunications Company of Tennessee, LLC.

Sincerely,

*H. LaDon Baltimore / ds*

H. LaDon Baltimore

LDB/dcg  
Enclosure  
cc: Guy Hicks, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE:            )

)

**PETITION OF CITIZENS )**

**TELECOMMUNICATIONS            )**

**COMPANY OF TENNESSEE, LLC,            )**

**DOCKET NO 03-00211**

**FOR EXEMPTION UNDER T.C.A.            )**

**§65-5-208(c) )**

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**BEN LOMAND COMMUNICATIONS, INC.'S REQUEST FOR DISCOVERY  
TO CITIZENS TELECOMMUNICATIONS COMPANY OF TENNESSEE, LLC**

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Ben Lomand Communications, Inc. hereby propounds the following discovery requests to Citizens Telecommunications of Tennessee, LLC, d/b/a Frontier Communications of Tennessee ("Citizens") to be answered in a manner consistent with the Rules of the Tennessee Regulatory Authority.

**I. DEFINITIONS AND INSTRUCTIONS**

1. For the purposes of these data requests, the following definitions shall apply:

"Documents" is used in the broadest sense and includes all tangible things that record information. "Documents" includes both the original and any copy or draft, and all copies which contain any notation not on the original. Examples of "documents" include, but are not limited to, handwritten, typed or printed papers, handwritten notations, office notes, calendar entries, diaries, notes of telephone conversations, photographs, reports, receipts, invoices, memoranda, correspondence, notes, ledger entries, work papers and computer printouts, cards, tapes, disks, and other means of electronically or magnetically maintained information.

"Identify" means (1) when used with reference to a natural person, give the person's full name, business or residence address, business or residence telephone number, occupation and employer; (2) when used with reference to an entity, give the entity's full name, address and telephone number; (3) when used with reference to a document, give the document's date, title, author, recipient, type (e.g., letter, memorandum, note, etc.), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for discovery; and (4) when used with reference to an action taken by an entity, identify the person(s)

taking the action, describe the nature of the action, and give the date on which the action was taken. If any action identified pursuant to (4) involved a communication with another person, identify the person(s) with whom the actor(s) communicated; and, if the communication was through the use of a document, identify the document through which the communication was made.

“Person” includes a natural person, partnership, joint venture, firm, corporation, association, organization, or any other type of business or legal entity.

“CLEC” means a competitive local exchange carrier.

“ILEC” means an incumbent local exchange carrier.

“LEC” means a local exchange carrier, including but not limited to CLECs and ILECs.

“Ben Lomand” means Ben Lomand Communications, Inc.

“Citizens” means Citizens Telecommunications Company of Tennessee, LLC, d/b/a Frontier Telecommunications of Tennessee and any affiliated company.

2. If the answers to any of the following data requests could be provided through the production of existing documents within Citizens’s possession or control, or within the possession or under the control of any of its representatives, including its attorneys, Ben Lomand will accept such production in lieu of written answers to any such data requests.

3. Provide the names, addresses and positions of each person responsible for preparing each of the answers to the following data requests, and for each person providing information used in the preparation of each answer.

4. If you maintained that any document or record which refers to or relates to anything about which these data requests ask or that would be responsive to any of the data requests has been destroyed, set forth the contents of said document, the location of any copies of said document, the date and circumstances of said destruction and the name of the person who ordered or authorized such destruction.

5. In answering these data requests, furnish all information and responsive documents in the possession of Citizens or in the possession of any director, officer, employee, agent, representative, or attorney of Citizens.

6. If you cannot answer any data request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of a data request, you should so state, describing in full your efforts to obtain the information requested, and then proceed to answer to the fullest extent possible.

7. When the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods applicable to each portion of the response.

8. Where the data requested, including but not limited to cost studies and related information, is or can be made available on CD ROM, please provide the documentation on CD ROM. Where both public and proprietary versions of said cost studies exist, please provide both public and proprietary versions of all cost studies.

9. Where Citizens believes a document that is responsive to these data requests is protected by attorney-client privilege, a privilege log listing the date of the document, title, author, recipients, type (e.g., letter, memorandum, note, etc.), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for analyzing Citizens's claim of privilege should be provided.

10. If you are unable to answer any interrogatory fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such interrogatory as fully and completely as you can and to specify those portions which you are unable to answer in such interrogatory. In addition to specifying those portions, you are to state with regard to such portion:

- (a) the facts on which you base the contention that you are unable to answer that portion;
- (b) the knowledge, information, and belief you have concerning that portion;
- (c) the acts done and inquiries made by you in attempting to answer such interrogatory.

## **II. INTERROGATORIES**

1. Identify each person whom you expect to call as a witness at any hearing in this case.

ANSWER:

2. Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- (a) identify the field in which the witness is to be offered as an expert;
- (b) provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;
- (c) provide the grounds (including without limitation any factual basis) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion;
- (d) identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- (e) identify for each such expert any person whom the expert consulted or otherwise communicated with in connection with his expected testimony;
- (f) identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony, and opinions as well as the compensation to be paid for the testimony and opinions;
- (g) identify all documents or things shown to, delivered to, received from, relied upon, or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions; and
- (h) identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

ANSWER:

3. State the number of access lines for Citizens and its affiliates in service in McMinnville and Sparta as of December 31 of each year since 1999 through 2003 and as of the latest date figures are available for 2004.

ANSWER:

4. What sources and amounts of funding does Citizens receive from its affiliates for its operations in McMinnville and Sparta.

ANSWER:

5. What is the rate of Return on Investments for Citizens's Tennessee exchanges as of December 31, 2003?

ANSWER:

6. What is the rate of Return on Investments for Citizens's exchanges in McMinnville and Sparta as of December 31, 2003?

ANSWER:

7. What is the cost floor below which Citizens wishes to price?

ANSWER:

8. What is the price floor calculated by Citizens?

ANSWER:

9. How does Citizens define cost?

ANSWER:

10. At what price does Citizens intend to sell basic service? Answer separately for business service and residential service.

ANSWER:

11. At what price does Citizens intend to sell additional services such as call waiting, caller ID, and voice mail?

ANSWER:

12. How does Citizens intend to continue to provide service, repairs, and costs of capital if its prices are below the cost floor?

ANSWER:

13. Assuming this request for exemption from price floor regulations is granted, what amount is budgeted for services and repairs in the three (3) years after such exemption? Furnish this figure separately for each such year.

ANSWER:

14. How does Citizens intend to prevent cross-subsidization in McMinnville and Sparta by its other affiliates and entities?

ANSWER:

15. In what other jurisdictions (states, cities) has Citizens requested relief from a price floor? What is the status of such requests?

ANSWER:



16. In TRA docket no. 03-00391, Citizens requests exemption from regulation for IntraLATA Toll Service and Primary Rate Integrated Services Network. Explain how, if the exemptions sought in docket no. 03-00391 and the exemption sought in the instant docket are granted, the result will not be total deregulation of Citizens by the Tennessee Regulatory Authority.

ANSWER:

17. In Citizens's response to TRA Staff Questions, page 4, Question 7, Citizens states, "If Citizens loses all of the revenue from most of its customers in McMinnville and Sparta, it is far more likely that Citizens will be compelled to seek recovery of its loss from customers in other areas." Explain to what extent, in revenue, corporate funds, and personnel, Citizens plans to cross-subsidize its McMinnville and Sparta operations "from its customers in other areas."

ANSWER:

### **III. DATA REQUESTS**

1. Identify and produce copies of all of Citizens's cost studies, supporting data, correspondence, and documentation arising from or related to the calculation of a price floor and/or cost of Citizens's tariffed services and from or related to pricing of services to be offered if Citizens's request for exemption from the price floor.

RESPONSE:

2. Identify the persons who proposed, calculated, prepared, reviewed, and/or the data requested in Data Request No. 1.

RESPONSE:

3. Identify and produce all of Citizens's Contract Service Arrangements, including those for customers in the exchanges of McMinnville and Sparta, and in the counties of Cumberland, Putnam, and Weakley.

RESPONSE:

4. Of the Contract Service Arrangements listed in the response to Data Request No.3, how many of those contracts were entered into with existing Citizens customers (excluding win-back customers)?

RESPONSE:

5. Identify and produce all of Citizens's cost studies, supporting data, correspondence, and documentation, including cost studies and supporting data not furnished to the Tennessee Regulatory Authority, arising from or related to the Contract Service Arrangements.

RESPONSE:

6. Identify the persons who proposed, prepared, reviewed, and/or approved (excluding Tennessee Regulatory Authority personnel) the Contract Service Arrangements.

RESPONSE:

7. Identify and produce Citizens's most recent audited financial statements (Balance Sheet, Income Statement, and Statement of Cash Flows).

RESPONSE:

8. Identify and produce Citizens's projected financial statements (three (3) years).

RESPONSE:

9. Identify and produce Citizens's Tennessee Capital Expenditures Budget for 2002, 2003, and 2004.

RESPONSE:

10. Identify and produce Citizens's Tennessee Capital Expenditures Budget for 2002, 2003, and 2004 for Sparta and McMinnville .

RESPONSE:

11. Produce any and all organizational charts identifying any of the entities and/or divisions or offices identified in these Discovery Requests.

RESPONSE:

12. Identify and produce copies of all correspondence and documentation regarding Citizens's business plan in the McMinnville and Sparta exchanges in the event Citizens's request in this docket is granted.

RESPONSE:

13. Identify and produce copies of all correspondence and documentation regarding Citizens's analysis of the effect of pricing below the price floor on Ben Lomand in the McMinnville and Sparta exchanges.

RESPONSE:

Respectfully submitted,



H. LaDon Baltimore, BPR #003836

**FARRAR & BATES, L.L.P.**

211 Seventh Avenue North, Suite 420

Nashville, TN 37219

(615) 254-3060

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*Counsel for Ben Lomand Communications, Inc.*

#### **Certificate of Service**

The undersigned hereby certifies that on this the 17<sup>th</sup> day of November, 2004, a true and correct copy of the foregoing has been forwarded via first class U. S. Mail, hand delivery, overnight delivery, electronic transmission, or facsimile transmission to the following.

Guilford F. Thoronton, Jr., Esq.  
Stokes, Bartholomew, Evans & Petree  
424 Church Street, Suite 2800  
Nashville, TN 37219



H. LaDon Baltimore